

NOTICES OF RULEMAKING DOCKET OPENING

The Administrative Procedure Act (APA) requires the publication of Notices of Rulemaking Docket Opening when an agency opens a rulemaking docket to consider rulemaking. Under the APA effective January 1, 1995, agencies must submit a Notice of Rulemaking Docket Opening before beginning the formal rulemaking process.

NOTICE OF RULEMAKING DOCKET OPENING

OFFICE OF THE OMBUDSMAN - CITIZENS' AIDE

- 1. Title and its heading:** 2, Administration
Chapter and its heading: 16, Office of the Ombudsman - Citizens' Aide
Article and its heading: 1, General Provisions
2, Handling Confidential Material
3, Receiving and Processing Complaints
4, Conducting Investigations
5, Actions After an Investigation
Section numbers: R2-16-101, R2-16-208, R2-16-305, R2-16-403, R2-16-404, R2-16-405, and R2-16-503. Additional Sections may be added, deleted, or modified as necessary.
- 2. The subject matter of the proposed rule:**
This rulemaking arises from proposed agency action in the five-year review report approved by the Governor's Regulatory Review Council on May 7, 2002. These Sections deal with the manner in which the office of the ombudsman-citizens' aide handles confidential material, receives and processes complaints, conducts investigations, and publishes reports. The proposed rule will amend the Sections to increase clarity, conciseness, and understandability.
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Patrick M. Shannahan
Address: Ombudsman - Citizens' Aide
3737 N. 7th Street, Suite 209
Phoenix, AZ 85014
Telephone: (602) 285-9136, ext. 209
Fax: (602) 277-7312
E-mail: pshannahan@azoca.org
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written and/or oral comments will be accepted between 8:00 a.m. and 4:30 p.m., Monday through Friday, at 3737 N. 7th Street, Suite 209, Phoenix, AZ 85014.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
To be determined

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF NURSING

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 19, Board of Nursing
Article and its heading: 6, Rules of Practice and Procedure
7, Public Participation Policies
Section numbers: R4-19-601, R4-19-602, R4-19-603, R4-19-604, R4-19-605,
R4-19-606, R4-19-607, R4-19-608, R4-19-609, R4-19-610,
R4-19-611, R4-19-612, R4-19-613, R4-19-614, R4-19-615,
R4-19-701, R4-19-702, R4-19-703, R4-19-704, R4-19-705, and
R4-19-706.
- 2. The subject matter of the proposed rule:**
The Board of Nursing is initiating rulemaking on 4 A.A.C. 19 Articles 6 and 7 to comply with the recommendations in the Board's last five-year review, approved by the Governor's Regulatory Review Council on February 5, 2002. The Board identified several rules that are inconsistent with the Administrative Procedures Act, and others that are redundant. This rulemaking will conform the rules to the APA, eliminate redundancy, and clarify the rules.
- 3. A citation to all published notices relating to the procedure:**
Notice of Proposed Rulemaking: 8 A.A.R. 2930, July 19, 2002
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Pamela Randolph, RN, MS, CPNP
Nurse Practice Consultant

Address: Arizona State Board of Nursing
1651 E. Morten, Suite 210
Phoenix, AZ 85020

Telephone: (602) 331-8111, ext. 139
Fax: (602) 906-9365
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board has scheduled a public hearing on the proposed amendments on August 23, 2002 at 9:00 a.m. in the Board's offices. The Board will accept written comments submitted to Ms. Randolph until the close of record on August 23, 2002 at 5:00 p.m.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**

Proposed timeline for Articles 6 and 7

| Activity | Target date |
|------------------------------------|--------------------|
| Submit to Board for final approval | September 11, 2002 |
| Submit to G.R.R.C. | September 16, 2002 |

NOTICE OF RULEMAKING DOCKET OPENING

BOARD OF NURSING

- 1. Title and its heading:** 4, Professions and Occupations
Chapter and its heading: 19, Board of Nursing
Article and its heading: 8, Certified Nursing Assistants
Section numbers: R4-19-808
- 2. The subject matter of the proposed rule:**
The Board of Nursing is amending R4-19-808 to relax some of the requirements for obtaining a temporary nursing assistant certificate. Of the 5,416 applicants who applied to the Board last year for a nursing assistant certificate, less than 1% qualified and obtained a temporary certificate. Health care providers and applicants have requested that the Board amend the rule to allow more applicants to qualify for a temporary certificate.

The current employment requirements for a temporary certificate are deleted in the amended rule. The Board is also extending the expiration date of the certificate from two to six months to comply with the statutory requirement that it be valid for six months. The Board anticipates that this amendment will increase the availability of Certified Nursing Assistants (C.N.A.s) while maintaining public protection.
- 3. A citation to all published notices relating to the procedure:**
Notice of Proposed Rulemaking: 8 A.A.R. 2937, July 19, 2002
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Pamela Randolph, RN, MS, CPNP
Nurse Practice Consultant

Address: Arizona State Board of Nursing
1651 E. Morten, Suite 210
Phoenix, AZ 85020

Telephone: (602) 331-8111, ext. 139
Fax: (602) 906-9365
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The Board has scheduled a public hearing on the proposed rulemaking on August 23, 2002, at 9:00 a.m. in the Board's offices at 1651 E. Morten, Suite 250, Phoenix, AZ. The Board will accept written comments submitted to Pamela K. Randolph at the address indicated above until the close of record on August 23, 2002 at 5:00 p.m.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**

| Activity | Date |
|------------------------------------|--------------------|
| Submit to Board for final approval | September 11, 2002 |
| Submit to G.R.R.C. | September 16, 2002 |

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF HEALTH SERVICES - ORAL HEALTH

- 1. Title and its heading:** 9, Health Services
Chapter and its heading: 23, Department of Health Services - Oral Health
Article and its heading: 1, General Provisions
2, Arizona Dental Sealant Program (New)
3, Oral Health Services
4, Arizona Dental Trailer Loan Program (New)

Sections numbers: R9-23-101 through R9-23-404 (The Department may add, delete, or modify additional Sections as necessary).

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2. The subject matter of proposed rule:

The purpose of this rulemaking is to address the issues identified in the five-year review report submitted to the Governor's Regulatory Review Council in July 2001.

The Department will amend the definitions in R9-23-101 to reflect the changes in the Chapter. The Department will also amend Article 3 and add Article 2 and Article 4 to include application and eligibility requirements and application prioritization criteria for the oral health programs provided by the Department. The new rules will conform to current rulemaking format and style requirements and statutory authority.

The agency docket number, if applicable:

RE-021-02

3. A citation to all published notices relating to this proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Kneka Hayward, RDH, BS
Chief, Office of Oral Health

Address: Department of Health Services
1740 W. Adams, Suite 10
Phoenix, AZ 85007

Telephone: (602) 542-1866

Fax: (602) 542-2936

or

Name: Kathleen Phillips

Address: Department of Health Services
1740 W. Adams, Suite 102
Phoenix, AZ 85007

Telephone: (602) 542-1264

Fax: (602) 364-1150

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Department will accept written comments until close of the record, which has not yet been determined. The Department has not scheduled any oral proceedings at this time.

6. A timetable for agency decisions or other action on the proceeding, if known:

To be announced in the Notice of Proposed Rulemaking

NOTICE OF RULEMAKING DOCKET OPENING

RADIATION REGULATORY AGENCY

MEDICAL RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS

1. Title and its heading:

Chapter and its heading:

Article and its heading:

Section numbers:

12, Natural Resources

2, Radiation Regulatory Agency - Medical Radiologic
Technology Board of Examiners

1, General Provisions

2, Application and Certification of Technologists

4, Schools of Practical Radiologic Technology

R12-2-101, R12-2-104, R12-2-201, R12-2-202, R12-2-204,
R12-2-207, and R12-2-401

2. Subject matter of the proposed rules:

R12-2-101--is being amended to add definitions of nuclear medicine technologist and practical technologist in bone densitometry as required by HB 2042 (chapter 0233, 2002). It will be amended to preclude anyone except a radiologic technologist from performing radiography of biopsied human tissue;

R12-2-102--addition of nuclear medicine and bone densitometry certifying bodies;

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R12-2-103--no change;

R12-2-104--will be amended to include schools of nuclear medicine technology;

R12-2-105--no change;

R12-2-106--no change;

R12-2-107--no change;

R12-2-108--no change;

R12-2-201--will be changed to include application requirements for the nuclear medicine and practical technologist in bone densitometry;

R12-2-202--will be changed to include qualifications for certification of nuclear medicine technologists and practical technologists in bone densitometry. Add waiver of refresher exam for inactive certificate holders or new applicants who equal or exceed MRTBE statutory continuing education requirements;

R12-2-203--no change;

R12-2-204--revision will state the limitations of the practical technologists in bone densitometry;

R12-2-205--no change;

R12-2-206--no change;

R12-2-401--a statement will be added allowing graduates of non-MRTBE approved schools of Practical Technology in Radiology with a course of study longer than nine months to apply for certification. Minimum hours of didactic and clinical training will be added for practical technologist in bone densitometry;

R12-2-402--clinical training requirements will be added for practical technologist in bone densitometry;

R12-2-403--specific equipment for training of practical technologist in bone densitometry will be identified;

R12-2-405--specific didactic requirements for practical technologist in bone densitometry will be added.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: John M. Gray, Executive Director
Address: Medical Radiologic Technology Board of Examiners
4814 S. 40th Street
Phoenix, AZ 85040
Telephone: (602) 255-4845
Fax: (602) 437-0705
E-mail: jgray@arra.state.az.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

Written comments will be accepted at the address in item #4 from 8:00 a.m. to 5:00 p.m., Monday through Friday.

Oral comments will be accepted 8:00 a.m. to 4:30 p.m., Monday through Friday, at the Arizona Radiation Regulatory Agency, 4814 S. 40th Street, Phoenix, AZ 85040.

6. A timetable for agency decisions or other action on the proceeding, if known:

The Agency intends to adopt rules under this rulemaking proceeding by December 31, 2003. The Agency will publish a Notice of Proposed Rulemaking in the *Arizona Administrative Register* which will include the exact wording of the proposed rule and the date, time, and location of an oral proceeding.

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GAME AND FISH COMMISSION

- 1. Title and its heading:** 12, Natural Resources
Chapter and its heading: 4, Game and Fish Commission
Article and its heading: 3, Taking and Handling of Wildlife
Section numbers: R12-4-302, R12-4-303, R12-4-304, R12-4-305, R12-4-306, R12-4-307, R12-4-308, R12-4-311, R12-4-312, R12-4-313, R12-4-314, R12-4-318, and R12-4-319. As a part of this rulemaking, the Commission may add, delete, or modify additional Article 3 Sections as necessary.
- 2. The subject matter of the proposed rules:**

R12-4-302. Amendments related to use of tags.

R12-4-303. Amendments related to prohibited devices and ammunition.

R12-4-304. Amendments related to lawful methods for taking wild mammals, birds and reptiles.

R12-4-305. Amendments related to possessing, transporting, importing, exporting, and selling carcasses or parts of wild mammals, birds, and reptiles.

R12-4-306. Amendments related to buffalo hunt regulations.

R12-4-307. Amendments related to trapping regulations: Licensing; methods; tagging of bobcat pelts

R12-4-308. Amendments related to wildlife inspections, check stations, and roadblocks

R12-4-311. Amendments related to exemptions from requirement to possess an Arizona fishing license while taking aquatic wildlife.

R12-4-312. Amendments related to special use permits and stamps for fishing on waters with shared jurisdiction.

R12-4-313. Amendments related to lawful methods of taking aquatic wildlife; restrictions.

R12-4-314. The Department intends to repeal this Section and move its provisions to R12-4-305.

R12-4-318. Amendments related to seasons.

R12-4-319. Amendments related to use of aircraft to take wildlife.

As a part of this rulemaking, the Commission may add, delete, or modify additional Article 3 Sections as necessary.

The agency docket number:
S
- 3. A citation to all published notices relating to the proceeding:**
None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rules:**

Name: Mark E. Naugle, Manager, Rules and Risk Management

Address: Arizona Game and Fish Department
2221 W. Greenway DORR
Phoenix, AZ 85023

Telephone: (602) 789-3289

Fax: (602) 789-3299
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
Written comments will be accepted Monday through Friday from 8:00 a.m. until 5:00 p.m. The schedule for oral proceedings is to be determined and will be published when scheduled.
- 6. The timetable for agency decisions or other action on the proceeding, if known:**
To be determined

NOTICE OF RULEMAKING DOCKET OPENING

GAME AND FISH COMMISSION

- 1. Title and its heading:** 12, Natural Resources
Chapter and its heading: 4, Game and Fish Commission
Article and its heading: 6, Rules of Practice Before the Commission
Section numbers: R12-4-601, R12-4-602, R12-4-603, R12-4-604, R12-4-605, R12-4-606, R12-4-607, and R12-4-610. As a part of this rulemaking, the Commission may add, delete, or modify additional Article 6 Sections as necessary.
- 2. The subject matter of the proposed rules:**

R12-4-601. Amendments related to petition for rule.

R12-4-602. Amendments related to written comment on proposed rules.

R12-4-603. Amendments related to oral proceedings before the Commission.

R12-4-604. Amendments related to *ex parte* communication.

R12-4-605. Amendments related to standards for revocation and denial of right to obtain license.

R12-4-606. Amendments related to proceedings for license revocation, denial of right to obtain license, and civil damages.

R12-4-607. Amendments related to rehearing or review of Commission decisions.

R12-4-610. Amendments related to petition for requesting closure of hunting, fishing, or trapping privileges on state or federal lands.

As a part of this rulemaking, the Commission may add, delete, or modify additional Article 6 Sections as necessary.

The agency docket number:

T
- 3. A citation to all published notices relating to the proceeding:**

None
- 4. The name and address of agency personnel with whom persons may communicate regarding the rules:**

Name: Mark E. Naugle, Manager, Rules and Risk Management

Address: Arizona Game and Fish Department
2221 W. Greenway DORR
Phoenix, AZ 85023

Telephone: (602) 789-3289

Fax: (602) 789-3299
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**

Written comments will be accepted Monday through Friday from 8:00 a.m. until 5:00 p.m. The schedule for oral proceedings is to be determined and will be published when scheduled.
- 6. The timetable for agency decisions or other action on the proceeding, if known:**

To be determined

NOTICE OF RULEMAKING DOCKET OPENING

CORPORATION COMMISSION - TRANSPORTATION

- 1. Title and its heading:** 14, Public Service Corporations; Corporations and Associations; Securities Regulation
Chapter and its heading: 5, Corporation Commission - Transportation
Article and its heading: 2, Pipeline Safety
Section numbers: R14-5-201 through R14-5-205
- 2. The subject matter of the proposed rule:**
These amendments will amend already existing rules (R14-5-201, R14-5-202, R14-5-203, R14-5-204, and R14-5-205) under Chapter 5. The proposed amendments are designed to update the Arizona Corporation Commission Transportation rules and to recognize the latest federal standards revisions pertaining to LNG, hazardous liquids, natural gas and other gas pipeline systems and revisions to Title 49 Code of Federal Regulations (CFR), Parts 40, 191, 192, 193, 195, and 199 with exceptions. The Commission believes that by incorporating by reference Title 49 CFR Parts 40, 191, 192, 193, 195, and 199, the rules will be consistent with the current best practices and will enhance public safety, which is in the best interest of all citizens in the state of Arizona.
The agency docket number, if applicable:
RG-00000A-02-0351
- 3. A citation to all published notices relating to the proceeding:**
Notice of Proposed Rulemaking: 8 A.A.R. 2975, July 19, 2002
- 4. The name and address of agency personnel with whom persons may communicate regarding the rule:**
Name: Jason D. Gellman
Address: Corporation Commission, Legal Division
1200 W. Washington
Phoenix, AZ 85007
Telephone: (602) 542-3402
Fax: (602) 542-4870
- 5. The time during which the agency will accept written comments and the time and place where oral comments may be made:**
The time and the place where oral and written comments may be made will be established by the Arizona Corporation Commission in its Decision authorizing filing of the Notice of Proposed Rulemaking with the Secretary of State or by Procedural Order following the Commission's Decision. The date, time, and place for public comment will be noticed in accordance with A.R.S. § 38-431 et seq.
- 6. A timetable for agency decisions or other action on the proceeding, if known:**
The amendments will be adopted by the Arizona Corporation Commission at a regularly scheduled or a special Open Meeting. The notice and agenda will be posted in accordance with state law and will be mailed to those entities/individuals on the service list accompanying the Commission Decision authorizing the filing of the Notice of Proposed Rulemaking with the Secretary of State.

NOTICE OF RULEMAKING DOCKET OPENING

DEPARTMENT OF ENVIRONMENTAL QUALITY ENVIRONMENTAL REVIEWS AND CERTIFICATION

- 1. Title and its heading:** 18, Environmental Quality
Chapter and its heading: 5, Department of Environmental Quality - Environmental Reviews and Certification
Article and its heading: Article 4, Subdivisions
Section numbers: R18-4-401 et seq., and other possible Articles and Sections yet to be determined.
- 2. The subject matter of the proposed rule:**
The purpose of this rulemaking is to update the Department's rules pertaining to subdivisions to conform with current rulemaking format and style requirements, and to ensure their consistency with other rules and statutes.

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3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Sean McCabe

Address: Arizona Department of Environmental Quality
1110 W. Washington (5415B-2)
Phoenix, AZ 85007

Telephone: (602) 771-4600, or toll-free in Arizona at (800) 234-5677, ext. 4600

Fax: (602) 771-4634

E-mail: mccabe.sean@ev.state.az.us

5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Department will publish a Notice of Proposed Rulemaking in the *Arizona Administrative Register*, after which it will accept written comments until the close of public record date specified in the Notice of Proposed Rulemaking. Written comments should be submitted to the attention of the agency personnel referenced above or in the Notice of Proposed Rulemaking. If the Department holds a public proceeding at which oral comments may be made, the date(s) and time(s) of the proceedings will be published in the *Arizona Administrative Register*.

6. A timetable for agency decisions or other action on the proceeding, if known:

It is anticipated that a Notice of Proposed Rulemaking will be filed with the Office of the Secretary of State for publication in the *Arizona Administrative Register* by September 2002, and that a Notice of Final Rulemaking will be filed by December 2002. Contact the agency personnel named above for the current status of the rulemaking. The current status of any of the Department's rules can be assessed via its web site at <http://www.adeq.state.az.us/lead/osc/draftrules.html>. Agency personnel can also arrange for interested parties to inspect the proposed rule or any part of the rulemaking docket or record.

NOTICE OF RULEMAKING DOCKET OPENING

**DEPARTMENT OF ENVIRONMENTAL QUALITY
PESTICIDES AND WATER POLLUTION CONTROL**

1. Title and its heading:

18, Environmental Quality

Chapter and its heading:

6, Department of Environmental Quality - Pesticides
and Water Pollution Control

Article and its heading:

1, Numeric Values and Information Submittal
2, Pesticide Contamination Prevention
3, Groundwater Protection List

Section numbers:

R18-6-101 et seq., and other possible Articles and Sections
yet to be determined.

2. The subject matter of the proposed rule:

The purpose of this rulemaking is to update the Department's rules pertaining to pesticides and water pollution control to conform with current rulemaking format and style requirements, and to ensure their consistency with other rules and statutes.

3. A citation to all published notices relating to the proceeding:

None

4. The name and address of agency personnel with whom persons may communicate regarding the rule:

Name: Linda Taunt

Address: Arizona Department of Environmental Quality
1110 W. Washington (5415B-3)
Phoenix, AZ 85007

Telephone: (602) 771-4416, or toll-free in Arizona at (800) 234-5677, ext. 4416

E-mail: taunt.linda@ev.state.az.us

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5. The time during which the agency will accept written comments and the time and place where oral comments may be made:

The Department will publish a Notice of Proposed Rulemaking in the *Arizona Administrative Register*, after which it will accept written comments until the close of public record date specified in the Notice of Proposed Rulemaking. Written comments should be submitted to the attention of the agency personnel referenced above or in the Notice of Proposed Rulemaking. If the Department holds a public proceeding at which oral comments may be made, the date(s) and time(s) of the proceedings will be published in the *Arizona Administrative Register*.

6. A timetable for agency decisions or other action on the proceeding, if known:

It is anticipated that a Notice of Proposed Rulemaking will be filed with the Office of the Secretary of State for publication in the *Arizona Administrative Register* by September 2002, and that a Notice of Final Rulemaking will be filed by December 2002. Contact the agency personnel named above for the current status of the rulemaking. The current status of any of the Department's rules can be assessed via its web site at <http://www.adeq.state.az.us/lead/osc/draftrules.html>). Agency personnel can also arrange for interested parties to inspect the proposed rule or any part of the rulemaking docket or record.